REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1, 11 and 17 have been amended. Claims 3, 12 and 18 have been canceled. Claims 1, 2, 4-11, 13-17 and 19-26 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

As a preliminary matter, Applicant respectfully submits that the entry of this Amendment pursuant to 37 CFR 1.116 is proper. The present Amendment does not raise new issues or require a new search. Rather, it places the claims in condition for allowance and requires only a cursory review by Examiner. *See* MPEP §714.13.

Rejection Under 35 U.S.C. § 102(b) - Matsuzaki

Claims 1-4, 9, 11, 12, 17, 18 and 23 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Matsuzaki et al. (U.S. Patent Number 5,357,439; hereinafter "Matsuzaki"). The rejection is respectfully traversed.

Regarding amended claim 1, Applicant's claimed invention relates to a user's request reflecting design system including a design data publicizing means, a correction data receiving means, and a design assisting means. The design data publicizing means includes public design data publicizing means including public design data prepared in advance to be publicized among the design data, an editing program file for editing the public design data, and a design data publicizing processing unit responsive to a request from a terminal connected to the computer network for transferring the public design data and the editing program file to the terminal.

Applicant respectfully submits that the disclosure of Matsuzaki does not anticipate the claimed invention. Matsuzaki discloses a manufacturing system for receiving an order from a

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customer and manufacturing the order, as shown in Figure 1. However, there is no teaching in

Matsuzaki of "a design data publicizing processing unit responsive to a request from a terminal

connected to said computer network for transferring said public design data and said editing

program file to said terminal," as recited by amended claim 1. The Examiner contends in

paragraph 5-3 on page 3 of the Office Action that Matsuzaki's software supporting the product

specification defining system (1) including the software supporting the selective indication

inputting means (11) (as shown in FIG. 1 and described in column 6, lines 15-34 of Matsuzaki)

discloses Applicant's claimed editing program file. The Examiner further contends that

Matsuzaki's order window and customer inquiry processing unit (1-8) (as shown in FIG. 2 and

described in column 5, lines 51-53 discloses Applicant's claimed design data publicizing

processing unit which transfers public design data and the editing program file to the terminal.

However, Matsuzaki only utilizes software for operating the means for inputting a

specification required by a customer for each order window as shown in Figures 1 and 2. There

is no mention in Matsuzaki of **transferring an editing program file to a terminal**. Any

programs and menus used in Matsuzaki are fixed within a system or means within its

department, and are not transferred through a computer network to a terminal.

Although the Examiner contends in paragraph 9-4 on page 12 of the Office Action that

"transferring program files or data files is well known in the networked environment," Applicant

respectfully submits that the prior art fails to specifically teach or suggest a design data

publicizing processing unit for transferring public design data prepared in advance and an editing

program file for editing the public design data to a terminal, the design data publicizing

processing unit being responsive to a request from the terminal. Although the transfer of

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program files or data files may be well known in a networked environment as Examiner alleges,

the elements of transferring public design data and an editing program file for editing the public

design data to a terminal in response to a request from the terminal, is not suggested by the mere

knowledge of one skilled in the art of the capability to transfer files over a network. Thus, the

teaching or suggestion of the claimed elements is missing in the cited references.

At least by virtue of the aforementioned differences, Applicant's claim 1 distinguishes

over Matsuzaki. Applicant's claims 11 and 17 are corresponding independent method and server

apparatus claims, and distinguish over Matsuzaki for analogous reasons. Claims {1, 2, 4 and 9}

and {23} are dependent claims including all of the elements of independent claims 1 and 17

respectively, which as established above, distinguish over Matsuzaki. Therefore, claims 1, 2, 4,

9 and 23 are patentable over Matsuzaki for at least the aforementioned reasons as well as for

their additionally recited features. Reconsideration and withdrawal of the rejection under 35

U.S.C. § 102(b) are respectfully requested.

Rejection Under 35 U.S.C. § 103(a) - Matsuzaki et al in view of Suda et al.

Claims 5-8, 10, 13-16, 19-22 and 24-26 have been rejected under 35 U.S.C. § 103(a) as

allegedly being unpatentable over Matsuzaki in view of Suda et al. (U.S. Patent Number

6,279,000; "Suda"). The rejection is respectfully traversed.

As discussed above in reference to claims 1, 11 and 17, Matsuzaki fails to teach or

suggest "a design data publicizing processing unit responsive to a request from a terminal

connected to said computer network for *transferring said public design data and said editing*

program file to said terminal," as recited by amended claim 1 (emphasis added).

Suda does not remedy the deficiencies of Matsuzaki. Suda discloses the extraction of an item from a received electronic mail. However, there is no teaching or suggestion in Suda of the transfer of an editing program file along with public design data to a terminal connected to a computer network in response to a request from the terminal. Suda refers only to schedule management in accordance with information included in input information such as electronic mail, and does not address the transfer of an editing program file and public design data in response to a request as recited by Applicant's claims. At least by virtue of the aforementioned differences, Applicant's claims 1, 11 and 17 distinguish over Matsuzaki in view of Suda. Applicant's claims {5-8, 10 and 24}, {13-16 and 25}, and {19-22 and 26} are dependent claims including all of the elements of independent claims 1, 11 and 17 respectively, which as established above, distinguishes over Matsuzaki in view of Suda. Therefore, claims 5-8, 10, 13-16, 19-22 and 24-26 are patentable over Matsuzaki in view of Suda for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

AMENDMENT UNDER C.F.R. § 1.116
U.S. Application No. 09/781,253
Attorney Docket No. Q63086

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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